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2 March 2006

Magistrate John D. Roberts  
United States District Court  
222 W. 7<sup>th</sup> Avenue. No. 46  
Anchorage AK 99513

Re: Clerical correction to Final Recommendation  
*CitiCapital Commercial Corp. v. Woodbine Alaska Fish Co., et al.*  
Case No. A-04-0147  
Our File No.: 2344

Dear Magistrate Roberts:

We are writing in response to Final Recommendation: Plaintiff's Motion For Summary Judgment, docket document number 188, filed by the Court on February 27, 2006. We are writing with respect to lines 5-9 of the conclusion paragraph on page three, recommending that "Citicapital should also be granted partial summary judgment (1) as to its claim for principal in the amount of \$369,527.62 (subject to offset credit for Marshal's sale of vessels EGEGIK SPIRIT and NAKNEK SPIRIT on May 10, 2005 for \$110,000)..."

Respectfully, the amount stated for the Marshal's sale of vessels EGEGIK SPIRIT and NAKNEK SPIRIT is inaccurate. The sale on May 10, 2005 for \$110,000 was only for the NAKNEK SPIRIT, official number 585824, which sale was confirmed on May 18, 2004 as referenced in docket no. 116. The EGEGIK SPIRIT, official number 299957, was sold on February 1, 2005 for \$126,000, which sale was confirmed on February 9, 2005 as referenced in docket no. 99. Therefore the total credit to offset the partial summary judgment award should be \$236,000, rather than the \$110,000 stated in the Final Recommendation.

*Birnberg & Associates*

Magistrate Roberts

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We respectfully request that the Court amend the Final Recommendation to correct this clerical error. Thank you for your attention to this matter.

Sincerely yours,  
BIRNBERG & ASSOCIATES

s/ Cory A. Birnberg  
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cc: Mark Manning (via efilng)

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